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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/529,206	03/25/2005	Teruo Aoyama	266057US0PCT	8829
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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER				
BERMAN, SUSAN W				
ART UNIT		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Terminal Disclaimer

The terminal disclaimer filed on 07-28-2008 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of Application Serial No. 10/820,878 has been reviewed and is accepted. The terminal disclaimer has been recorded. The provisional rejection under obviousness-type double patenting over claims of 10/820,878 is withdrawn.

Applicant's proposed amendment overcomes the rejection of claims under 35 USC 102(b) as being anticipated by EP 0 825 227.

However, the rejections of claims under 35 USC 103(a) set forth in the final rejection are maintained. Applicant argues the EP '227 teaches away from the claims as amended. This argument is unpersuasive for the reasons set forth in the final rejections of record.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to /Susan W. Berman/ whose telephone number is 571 272 1067. The examiner can normally be reached on M-F 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck can be reached on 571 272 1078. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SB
8/1/2008

/Susan W Berman/
Primary Examiner
Art Unit 1796